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The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.

Official Title and Summary Prepared by the Attorney General

THE HERTZBERG-POLANCO CRIME LABORATORIES CONSTRUCTION BOND ACT OF 1999.

- Provides for a bond issue of two hundred twenty million dollars (\$220,000,000) to provide funds for a program for the construction, renovation, and infrastructure costs associated with the construction of new local forensic laboratories and the remodeling of existing local forensic laboratories.
- Creates Forensic Laboratories Authority to consider and approve applications for construction and renovation of forensic laboratories.
- Appropriates money from General Fund to pay off bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- State costs of about \$377 million over 25 years to pay off both the principal (\$220 million) and interest (\$157 million) costs of the bonds. Payments of about \$15 million per year.
- One-time costs of about \$20 million to local governments to match state funds.
- Unknown annual costs to local governments to support crime laboratories, potentially in the millions of dollars.

Final Votes Cast by the Legislature on AB 1391 (Proposition 15)

Assembly: Ayes 65	Senate: Ayes 35
Noes 12	Noes 3



Background

After a crime has been committed, law enforcement officials usually send the collected evidence (such as fingerprints and blood samples) to laboratories which are responsible for collecting, analyzing, and interpreting this evidence. These laboratories are known as “forensic crime laboratories.” Services provided by these laboratories range from fingerprint examination and drug analyses to more complicated tasks such as DNA testing.

California’s cities and counties operate 19 local crime laboratories that provide services to cities and counties representing almost 80 percent of the state’s population. The remaining cities and counties generally receive services from crime laboratories operated by the state Department of Justice.

Cities and counties pay to support their own crime laboratories. Funding is supplemented by fees and fines collected from persons convicted of certain drug and alcohol offenses.

Proposal

This measure allows the state to sell \$220 million in general obligation bonds for local crime laboratories. The money raised from the bond sales would be used for the construction, renovation, and infrastructure costs of these laboratories. General obligation bonds are backed by the state, meaning that the state is required to pay the principal and interest costs on these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from the state personal and corporate income taxes and sales tax.

A new seven-member Forensic Laboratories Authority created by the measure, would consider applications and award the bond monies to local governments for the construction of new laboratories and the renovation of

existing laboratories. The measure specifies that members of the authority include the Attorney General, the director of the state’s laboratories, and five members appointed by the Governor.

In order to receive bond monies, a local government must provide 10 percent of total project costs (this provision could be modified or waived by the Legislature). The governing body of the local government (such as the city council or the county board of supervisors) must also agree to pay the ongoing operating costs of the laboratory. In addition, the project would have to comply with state or local contract and bidding requirements.

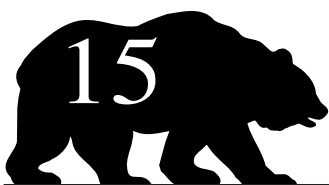
Fiscal Effect

State Bond Costs. For these bonds, the state would make principal and interest payments from the state’s General Fund over a period of about 25 years. If the bonds are sold at an interest rate of 5.5 percent (the current rate for this type of bond), the cost would be about \$377 million to pay off both the principal (\$220 million) and the interest (\$157 million). The average payment would be about \$15 million per year.

Cost to Local Governments. The measure could result in additional costs to local governments that receive bond funds. First, the measure could result in one-time costs to these local governments for the 10 percent share of the costs of a construction or renovation project. These one-time costs would be in the range of about \$20 million on a statewide basis.

Second, to the extent that local governments construct new or expanded crime laboratories as a result of the measure, they could also incur additional ongoing costs to operate the facilities. The magnitude of these additional costs is unknown, but is potentially in the millions of dollars annually on a statewide basis.

For text of Proposition 15 see page 114



The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.

Argument in Favor of Proposition 15

REPAIRING DETERIORATING, OUTDATED CRIME LABS WILL ENSURE THAT MORE CRIMINALS ARE IDENTIFIED, CAUGHT, CONVICTED AND PUNISHED. PROPOSITION 15 IS AN INVESTMENT IN JUSTICE. THESE CRIME-SOLVING FUNDS WILL BE USED TO:

- Improve DNA tests, which identify criminals.
- Speed up the analysis of crime evidence to reduce the number of murderers and rapists who go free.
- Provide improved equipment to identify blood alcohol content and reduce the number of drunk drivers on the street.
- Improve the analysis of evidence so fewer innocent people are charged with crimes.

"Updating crime labs will result in the positive identification of more rapists and murderers who are currently going free."
Crime Victims United of California.

PROPOSITION 15 PROVIDES FOR TAXPAYER SAFEGUARDS:

- Money cannot be used to pay administrators' salaries.
- An independent Forensics Laboratories Authority will be created to ensure money is spent efficiently where it is needed.
- Crimes solved faster will save taxpayers' money spent in lengthy trials.
- This measure will not increase taxes.
- An independent annual audit will ensure funds are spent efficiently.

"Crime labs need updated technology to process evidence rapidly in order to prosecute criminals and exonerate the innocent faster." Tom Torlakson, Member, California State Assembly Information Technology Budget Subcommittee.

MODERN HIGH TECH CRIME LABS ARE ESSENTIAL TO LAW ENFORCEMENT'S ABILITY TO QUICKLY SOLVE CRIMES:

- Updated crime labs will increase the speed with which crimes are solved.
- Proposition 15 will provide high tech equipment to examine and identify DNA, toxicology, blood typing, bodily fluids from sexual assaults, drugs, ballistics, arson and explosives.
- Renovated crime labs will provide independent, unbiased information.
- Proposition 15 will relieve overcrowding and prevent

criminals from going free because of backlogs at crime labs.

UPDATING AND REPAIRING CRIME LABS IS CRUCIAL TO LOCAL SHERIFFS AND POLICE FOR QUICKER APPREHENSION AND PROSECUTION OF CRIMINALS.

- The California State Auditor says: "Without adequate facilities, laboratories may experience a greater risk of evidence contamination, compromised efficiency . . . and health and safety problems . . . the degree of severe overcrowding in the laboratories is of major concern."
- Almost two-thirds of California's crime labs are in disrepair or out-of-date.
- Proposition 15 will give local police and sheriffs modern high tech crime-solving equipment and repair deteriorating crime labs.
- Money from Proposition 15 will be distributed to local law enforcement agencies throughout the state.

CALIFORNIA'S CRIME FIGHTERS, AMONG MANY OTHERS, SUPPORT PROPOSITION 15:

California Police Chiefs Association
Attorney General Bill Lockyer
California Association of Crime Lab Directors
Assembly Member Bob Hertzberg, former chair Assembly Public Safety Committee
California State Sheriffs Association
California Union of Safety Employees
California Peace Officers Association
Senator Richard Polanco, chair

Joint Committee on Prison Construction & Operations

The need to repair and update overcrowded deteriorating crime labs is critical. Vote YES to improve the analysis of evidence to solve crimes faster, prevent criminals from going free and protect those who are innocent. Vote YES for public safety. Join us and Vote YES on Proposition 15.

GRAY DAVIS

Governor of California

WILLIAM J. HEMBY

California Organization of Police & Sheriffs

DANIEL A. TERRY

President, California Professional Firefighters

Rebuttal to Argument in Favor of Proposition 15

Bond supporters always say that the measure will not increase taxes. How then will the bonds be paid? Taxpayers must pay the principal and interest on the bonds for 30 years. This money comes from our tax dollars. Taxpayers are currently paying over \$3 billion per year on existing bond debt.

Of course our police departments should have access to the newest, state-of-the-art facilities to run tests. Too often we see news reports that crime labs take weeks to produce results. But is spending \$395 million of the taxpayers money over 30 years the best way to accomplish this?

We believe that the private sector can better help police departments with these vital services. Even now there are numerous private companies performing the same laboratory tests. Unlike government agencies, private companies have a motive to perform. And if they want more business, they will do their work accurately, quickly and inexpensively.

Proposition 15 is bureaucracy in action. The government has

the tedious steps to put this measure on the ballot, plan several months of campaigning for it and then wait while the bonds are sold and the proceeds slowly work their way into various communities. Instead, legislators could have urged local police departments to hammer out contracts with private firms to immediately start providing high-tech services.

Indeed, Proposition 15 could delay lab analysts from coming up with results our police investigators need, while the wheels of the bond process slowly grind. Please vote NO.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

THOMAS TRYON

Calaveras County Supervisor

TED BROWN

Insurance Adjuster/Investigator

The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.



Argument Against Proposition 15

In an orgy of spending, California legislators passed an \$81 billion budget for Fiscal Year 2000. That's up from \$63 billion just four years ago. There was a \$4 billion budget surplus this year. That's money that should have been refunded to taxpayers. In fact, each family could have received over \$330 to spend as they chose. But instead most of our legislators—Democrat and Republican alike—found ways to spend this money on new government programs.

What does this have to do with Proposition 15? Well, if the legislators had an extra \$4 billion to play around with, why didn't they spend a relatively paltry \$220 million of it (about 5.5% of the surplus) on the proposed forensics laboratories—and save us more election costs?

No, they couldn't do that. They had to spend it immediately. Now if voters say "yes" on Proposition 15, the forensic laboratories won't just cost \$220 million. BONDS ALMOST DOUBLE THE COST OF ANY GOVERNMENT PROJECT. Taxpayers will have to pay the interest on these bonds for the next 30 years. So, at the end, we'll be out about \$395 million.

So we see that this proposal would have cost a lot less if it was paid for out of the current budget. But let's ask: should California taxpayers be financing new local forensics labs and even remodeling older ones?

Forensics labs help police officers and prosecutors prove their cases with physical evidence. This includes crime scene reconstruction, DNA testing, fingerprinting, handwriting analysis, studying forged documents, and audio and videotape analysis. An internet search shows that there are numerous private companies already performing these same services.

They are used by defense attorneys, or even by the government to assist public employees. For this reason, it would be much more economical to privatize these functions and send out all such work to private labs. Indeed, lab analysts currently employed by local governments would be in great demand at the private firms.

Even if we concede that California taxpayers should pay for forensics labs, it doesn't seem as if such facilities should take up enough room to warrant a separate building. The lab could be part of the local police station—or could even rent space in a privately-owned industrial park or other commercial building.

Whenever the government is involved in a building project, it costs a lot more than a private enterprise project. Governments require an expensive approval process, then require contractors to pay the prevailing union wage for construction, more than what the low bidder would pay. The losers: the taxpayers.

Send a message to legislators. There are alternatives to spending tax money on new forensics labs. There also should be some punishment for squandering a hefty budget surplus, instead of refunding it to taxpayers, or even spending it on this relatively small project. Please vote NO on Proposition 15.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

THOMAS TRYON

Calaveras County Supervisor

TED BROWN

Insurance Adjuster/Investigator

Rebuttal to Argument Against Proposition 15

We're glad the opponents agree that "forensic labs help police officers and prosecutors prove their cases" By updating and repairing crime labs, we can ensure that more criminals are identified, caught, convicted and punished and that fewer innocent people are charged with crimes.

Law enforcement says the opponents are misleading voters and opponents' arguments are not accurate. There is only a handful of private crime labs in California and these are used to crosscheck and provide second opinions in questionable cases. That's why police, sheriffs, and firefighters say we need to update and repair forensic crime-solving labs. Would you rather trust the opponents or your local law enforcement when it comes to fighting crime?

Proposition 15 will save taxpayers' money in the long run. If we improve the analysis of evidence, we save money by reducing the time it takes to solve crimes and shortening the length of trials.

If it were the opponents' father who was murdered, sister

who was raped, or child killed by a drunken driver, we believe there would be no argument against Proposition 15. How can anyone who cherishes freedom not also believe in pursuing all means to swift and fair justice? *Proposition 15 will give local law enforcement updated technology to increase the speed at which crimes are solved.*

THE NEED TO REPAIR AND UPDATE OVERCROWDED DETERIORATING CRIME LABS IS CRITICAL. WE URGE YOU TO VOTE YES ON PROPOSITION 15.

CHARLES C. PLUMMER

President, California State Sheriffs Association

DANIEL A. TERRY

President, California Professional Firefighters

TOM TORLAKSON

Member, California State Assembly Information Technology Budget Subcommittee